

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**CURTISS GRAVES,  
Plaintiff,**

**v.**

**Case No. 11-CV-01060**

**BROOKFIELD SUITES HOTEL AND  
CONVENTION CENTER,  
Defendant.**

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**DECISION AND ORDER**

Plaintiff Curtiss Graves has filed an action pursuant to 42 U.S.C. § 1983 against defendant Brookfield Suites Hotel and Convention Center. Plaintiff asserts that defendants unlawfully terminated his employment when he missed work due to an illness. Ordinarily, a plaintiff must pay a statutory filing fee of \$350 to bring an action in federal court. 28 U.S.C. § 1914(a). Plaintiff, however, has requested leave to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915.

Section 1915 is meant to ensure indigent litigants meaningful access to federal courts, Nietzke v. Williams, 490 U.S. 319, 324 (1989), and applies to both nonprisoner plaintiffs and to plaintiffs who are incarcerated, Floyd v. United States Postal Serv., 105 F.3d 274, 275-77 (6th Cir. 1997) (“[T]he only logical interpretation of the statute is that non-prisoners have the option to proceed in forma pauperis under § 1915(a).”). Here, the heightened requirements of the Prison Litigation Reform Act do not apply. See West v. Macht, 986 F. Supp. 1141, (W.D. Wis. 1997). Under § 1915, an indigent party may commence a federal court action, without paying required costs and fees, upon submission

of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and the affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1).

Plaintiff has filed the required affidavits of indigence. Upon review of those affidavits, the court is satisfied that plaintiff meets the poverty requirements of 28 U.S.C. § 1915. Plaintiff supports himself on an income of \$1531 per month, of which at least \$1000 goes to fixed expenses. Additionally, plaintiff has stated the nature of this § 1983 action and asserted his belief that he is entitled to redress.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Curtiss Graves’ request to proceed in forma pauperis is **GRANTED**.

**IT IS ADDITIONALLY ORDERED**, pursuant to Fed. R. Civ. P. 4(c)(3), that the U.S. Marshals Service shall serve a copy of the complaint, a waiver of service form and/or the summons, and this order upon defendants. Plaintiff is advised that Congress requires the U.S. Marshal’s Service to charge for making or attempting such service. 28 U.S.C. § 1921(b). The current fee for waiver-of-service packages is \$8 per item. 28 C.F.R. §§ 0.114(a)(2). Although Congress requires the court to order service by the U.S. Marshals Service precisely because in forma pauperis plaintiffs are indigent, it has not made any provision for these fees to be waived either by the court or by the U.S. Marshals Service.

Plaintiff, however, should provide defendants or their counsel with copies of all future motions or papers filed by the plaintiff in this action.

Dated at Milwaukee, Wisconsin this 23rd day of November 2011.

s/\_\_\_\_\_  
LYNN ADELMAN  
District Judge